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OCT 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1772

Attorney Docket No. 13743

In re:
Patent Application of:

Meier et al.

Serial No.: 10/619,956

Filed: July 15, 2003

Examiner: Nordmeyer, Patricia L

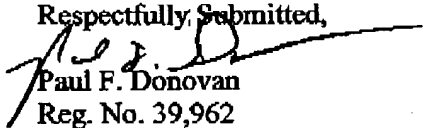
**"TWO-MATERIAL OVER-MOLDED
FITMENT"**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to a Restriction Requirement in the above-identified application. No extension of time in which to file a response is believed necessary. However, if an extension of time is required, please consider this a petition therefore and charge any additional fees which may be required as set forth below. No additional claim fee is due. However, please debit any deficiency to Deposit Account No. 09-0025 as may be required in connection with the submission of this Amendment. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

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Respectfully Submitted,


Paul F. Donovan
Reg. No. 39,962

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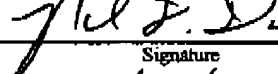
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**"TWO-MATERIAL OVER-MOLDED
FITMENT"**

I, Paul F. Donovan, hereby certify that this
correspondence is being transmitted to the U.S.
Patent Office at (703) 872-9306, on the date of my
signature.



Signature
10/13/04

Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Office Action mailed September 14, 2004.

The Examiner has identified in the application two groups of claims and has required restriction to one of these groups. The groups are Group I (claims 1-9 and 18-27) drawn to an over-molded fitment and a package, and Group II (claims 10-17) drawn to a method for forming an over-molded fitment. Applicants' attorney elects to prosecute the claims of Group I with traverse, as further set forth below, and respectfully requests reconsideration of the restriction requirement.

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Applicants' attorney respectfully traverses the restriction requirement for at least the following reasons. The method for forming an over-molded fitment of Group II and the over-molded fitment and package produced thereby of Group I are so inextricably related to one another that they should be examined in a single application. Applicants submit that the subject matter of Group I is sufficiently related to the subject matter of Group II as to be easily prosecutable therewith. Under 35 U.S.C. § 121, the U.S. Patent and Trademark Office has the authority to require an applicant to restrict an application which claims "two or more independent and distinct inventions" to one of the inventions. However, the inventions claimed in Groups I and II of the present application are sufficiently related to one another to warrant concurrent prosecution in the same application.

Claims 10-17 define an over-molded fitment prepared by a method, and delineates a series of steps in the method. Claims 1-9 and 18-27 define an over-molded fitment device. A review of the claims of Group I illustrates that the structural limitations recited therein are also expressly included as elements of various process claims of Group II.

Applicants respectfully submit that co-prosecution of all the claims in the present application is required in the interests of administrative efficiency. A complete and thorough search of the prior art for either the over-molded fitment device or the method for producing such a device would require a search of the subject matter of the other. The search for Group I would also be required for Group II because the same structural limitations claimed in Group I are included as elements of certain method claims of Group II. Thus, it is respectfully submitted that there will not be a serious burden placed on the Examiner if restriction is not required, because a search considering the structural

limitations found in each of the claims will require a review of the all of the classifications identified by the Examiner.

Practicality and efficiency and a lack of serious burden on the Examiner dictate that the claims should be retained in a single application and the restriction requirement should be withdrawn. The restriction requirement, if sustained, will prejudice the applicants because of the increased cost to applicants arising from further substantial filing fees and prosecution costs.

Furthermore, given the close relationship between the claims of Group I and II, prosecution in the same application would be administratively efficient for the U.S. Patent and Trademark Office. Specifically, by prosecuting the Groups of Inventions together, searches could be consolidated, and one Examiner could readily examine the subject matter of all the claims of this application at once.

In view of the foregoing, withdrawal of the restriction requirement is respectfully requested.

Respectfully Submitted,

Date: Oct 13, 2004

By: 

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